

1 Anna S. McLean (No. 142233)
2 Anna.McLean@hellerehrman.com
3 HELLER EHRMAN LLP
4 333 Bush Street
5 San Francisco, CA 94104
6 Telephone: +1.415.772.6000
7 Facsimile: +1.415.772.6268

8 Attorneys for Plaintiff
9 PHILIP MORRIS USA INC.

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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

PHILIP MORRIS USA INC.,

Plaintiff,

v.

DUC C. DUONG, *et al.*,

Defendants.

Case No.: S-03-0825-WBS-DAD

**STIPULATION TO SET ASIDE
DEFAULT JUDGMENT IN
FAVOR OF CONSENT
JUDGMENT AS TO
DEFENDANT DIANA NGUYEN,
INDIVIDUALLY AND DOING
BUSINESS AS 98 MARKET**

1 Plaintiff Philip Morris USA Inc. ("Philip Morris USA") and Defendant Diana
2 Nguyen hereby stipulate to set aside the Default Judgment and Permanent Injunction
3 ("Default Judgment") entered in this action as to Defendant Diana Nguyen, for the
4 following reasons:

5 1. A Default Judgment was entered against Defendant Diana Nguyen and
6 Defendant Vien Nguyen on November 26, 2003.

7 2. Defendant Diana Nguyen has paid \$5,000 to Philip Morris USA in full
8 satisfaction of the monetary component of the Default Judgment entered against
9 Defendants Diana Nguyen and Vien Nguyen.

10 3. Philip Morris USA and Defendant Diana Nguyen have stipulated to
11 entry of a Consent Judgment and Permanent Injunction ("Consent Judgment") as to
12 Defendant Diana Nguyen.

13 4. Pursuant to such stipulation, a Consent Judgment as to Defendant Diana
14 Nguyen was signed on or about October 16, 2007, and is filed concurrently herewith.

15 5. The undersigned agree that the Consent Judgment and not the Default
16 Judgment should apply as to Defendant Diana Nguyen and hereby request the Court
17 to order that the Default Judgment as to Defendant Diana Nguyen be set aside.

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19 IT IS SO STIPULATED.

20 DATED: October 17, 2007

HELLER EHRMAN LLP

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22 By /s/ Anna S. McLean

ANNA S. McLEAN

23 Attorneys for Plaintiff

24 PHILIP MORRIS USA INC.
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1 DATED: October 16, 2007

LAW OFFICES OF DONALD L. VANCE

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3 By /s/ Donald L. Vance

4 DONALD L. VANCE

5 Counsel for Defendant Diana Nguyen,
6 individually and doing business as 98 Market
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ORDER

Having read the above stipulation and good cause shown, it is therefore
Ordered as follows:

(1) The monetary component of the Default Judgment entered against
Defendant Diana Nguyen and Defendant Vien Nguyen is fully satisfied;

(2) The Consent Judgment and not the Default Judgment shall apply as to
Defendant Diana Nguyen, individually and doing business as 98 Market;

(3) The Default Judgment as to Defendant Diana Nguyen, individually and
doing business as 98 Market, shall be set aside; and

(4) The non-monetary provisions of the Default Judgment entered against
Defendant Vien Nguyen remain in full force and effect.

IT IS SO ORDERED.

DATED: October 23, 2007



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE